

Message

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**From:** Capacasa, Jon [Capacasa.jon@epa.gov]  
**Sent:** 1/30/2015 7:25:57 PM  
**To:** Ryan, Daniel [Ryan.Daniel@epa.gov]  
**Subject:** Re: Request for R3 Concurrence -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Thanks. All clear.

Sent from my iPhone

On Jan 30, 2015, at 11:37 AM, "Ryan, Daniel" <[Ryan.Daniel@epa.gov](mailto:Ryan.Daniel@epa.gov)> wrote:

Hi Jon-

I showed this letter (RA Hedman is to sign) to Shawn Wednesday evening and he was fine with it. I thought I called you and left a voicemail saying he was fine with it. If not, I apologize for the oversight.

Thanks.

Dan

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**From:** Capacasa, Jon  
**Sent:** Friday, January 30, 2015 8:51 AM  
**To:** Ryan, Daniel  
**Subject:** Fwd: Request for R3 Concurrence -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Dan

Are we clear to send this response on DuPont inquiry. Region 5 RA is willing to send out on behalf of both regions and RAs.

Sent from my iPhone

Begin forwarded message:

**From:** "Shoven, Heather" <[shoven.heather@epa.gov](mailto:shoven.heather@epa.gov)>  
**Date:** January 30, 2015 at 8:23:48 AM EST  
**To:** "Capacasa, Jon" <[Capacasa.jon@epa.gov](mailto:Capacasa.jon@epa.gov)>, "Johnson, KarenD" <[Johnson.KarenD@epa.gov](mailto:Johnson.KarenD@epa.gov)>  
**Subject:** RE: Request for R3 Concurrence -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Good Morning Jon and Karen,

I hope that you're doing well. Do you anticipate any comments from the RA's office on the attached draft letter?

I truly appreciate your help in getting this response out. Please let me know if you need any further information.

Best wishes,  
Heather

Heather A. Shoven  
Compliance and Enforcement Team Leader  
Ground Water and Drinking Water Branch  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Blvd (WG-15J), Chicago, IL 60604  
Phone: (312) 886-0153 / Email: [shoven.heather@epa.gov](mailto:shoven.heather@epa.gov)

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**From:** Capacasa, Jon  
**Sent:** Wednesday, January 28, 2015 3:53 PM  
**To:** Shoven, Heather; Johnson, KarenD  
**Cc:** Klassman, Debra; Kier, Lori; Damato, Nicholas; Poy, Thomas  
**Subject:** RE: Request for R3 Concurrence -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Thanks Heather. We are OK with the letter at the WPD and ORC level. I have shared it with the RA's Office just now to see if they have any remaining questions.

Jon

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**From:** Shoven, Heather  
**Sent:** Wednesday, January 28, 2015 4:44 PM  
**To:** Johnson, KarenD; Capacasa, Jon  
**Cc:** Klassman, Debra; Kier, Lori; Damato, Nicholas; Poy, Thomas  
**Subject:** Request for R3 Concurrence -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Hi Jon and Karen,

Lori and Deb had an exchange and were fine with the language in the attached version of the letter. I would like to send a version to Tinka Hyde that can go onto the R5 RA for sign-off. Is R3 okay with this language? I appreciate your time.

Best wishes,  
Heather

Heather A. Shoven  
Compliance and Enforcement Team Leader  
Ground Water and Drinking Water Branch  
U.S. Environmental Protection Agency, Region 5  
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**From:** Kier, Lori  
**Sent:** Wednesday, January 28, 2015 11:01 AM  
**To:** Shoven, Heather; Johnson, KarenD; Capacasa, Jon

**Cc:** Klassman, Debra

**Subject:** Re: Final Draft with R3 Edits -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Thanks!

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*Lori Kier*

Senior Assistant Regional Counsel  
US EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103  
(215) 814-2656  
[kier.lori@epa.gov](mailto:kier.lori@epa.gov)

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**From:** Shoven, Heather

**Sent:** Wednesday, January 28, 2015 11:57 AM

**To:** Kier, Lori; Johnson, KarenD; Capacasa, Jon

**Cc:** Klassman, Debra

**Subject:** RE: Final Draft with R3 Edits -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Thanks Lori. Edits are made in the attached version.

Best wishes,  
Heather

Heather A. Shoven  
Compliance and Enforcement Team Leader  
Ground Water and Drinking Water Branch  
U.S. Environmental Protection Agency, Region 5  
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Phone: (312) 886-0153 / Email: [shoven.heather@epa.gov](mailto:shoven.heather@epa.gov)

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**From:** Kier, Lori

**Sent:** Wednesday, January 28, 2015 10:51 AM

**To:** Shoven, Heather; Johnson, KarenD; Capacasa, Jon

**Cc:** Klassman, Debra

**Subject:** Re: Final Draft with R3 Edits -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

## Ex. 5 Deliberative Process (DP)

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*Lori Kier*

Senior Assistant Regional Counsel  
US EPA Region III

1650 Arch Street  
Philadelphia, PA 19103  
(215) 814-2656  
[kier.lori@epa.gov](mailto:kier.lori@epa.gov)

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**From:** Shoven, Heather  
**Sent:** Wednesday, January 28, 2015 11:47 AM  
**To:** Kier, Lori; Johnson, KarenD; Capacasa, Jon  
**Subject:** Final Draft with R3 Edits -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Thanks Lori. I made your suggested revision and am attaching the latest version for R3 senior management.

Best wishes,  
Heather

Heather A. Shoven  
Compliance and Enforcement Team Leader  
Ground Water and Drinking Water Branch  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Blvd (WG-15J), Chicago, IL 60604  
Phone: (312) 886-0153 / Email: [shoven.heather@epa.gov](mailto:shoven.heather@epa.gov)

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**From:** Kier, Lori  
**Sent:** Wednesday, January 28, 2015 10:34 AM  
**To:** Johnson, KarenD; Capacasa, Jon; Shoven, Heather  
**Subject:** Re: Request for OST Input -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

## Ex. 5 Deliberative Process (DP)

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*Lori Kier*  
Senior Assistant Regional Counsel  
US EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103  
(215) 814-2656  
[kier.lori@epa.gov](mailto:kier.lori@epa.gov)

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**From:** Johnson, KarenD  
**Sent:** Wednesday, January 28, 2015 11:29 AM  
**To:** Capacasa, Jon; Shoven, Heather  
**Cc:** Kier, Lori  
**Subject:** FW: Request for OST Input -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Jon-Do you think you can just let R5 know we're oK now.. ORC has added Lori as the legal point of contact...

Thanks Heather! That is the correction we needed.

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**From:** Shoven, Heather

**Sent:** Wednesday, January 28, 2015 11:21 AM

**To:** Johnson, KarenD

**Subject:** RE: Request for OST Input -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Hi Karen!

## Ex. 5 Deliberative Process (DP)

Best wishes,  
Heather

Heather A. Shoven  
Compliance and Enforcement Team Leader  
Ground Water and Drinking Water Branch  
U.S. Environmental Protection Agency, Region 5  
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**From:** Johnson, KarenD

**Sent:** Wednesday, January 28, 2015 10:05 AM

**To:** Shoven, Heather

**Subject:** RE: Request for OST Input -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

## Ex. 5 Deliberative Process (DP)

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**From:** Shoven, Heather

**Sent:** Wednesday, January 28, 2015 10:42 AM

**To:** Johnson, KarenD

**Subject:** RE: Request for OST Input -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Thanks Karen! How's this version?

Best wishes,  
Heather

Heather A. Shoven  
Compliance and Enforcement Team Leader  
Ground Water and Drinking Water Branch  
U.S. Environmental Protection Agency, Region 5

77 W. Jackson Blvd (WG-15J), Chicago, IL 60604  
Phone: (312) 886-0153 / Email: [shoven.heather@epa.gov](mailto:shoven.heather@epa.gov)

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**From:** Johnson, KarenD  
**Sent:** Wednesday, January 28, 2015 9:35 AM  
**To:** Shoven, Heather  
**Subject:** RE: Request for OST Input -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Heather -- Our contact for counsel is Lori Kier number is (215) 814 2656. I'm still checking on a middle initial for her, but nothing worth holding up the letter any longer. Thanks!!

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**From:** Shoven, Heather  
**Sent:** Wednesday, January 28, 2015 10:33 AM  
**To:** Donohue, Joyce  
**Cc:** Klassman, Debra; Poy, Thomas; Harris, Kimberly; Johnson, KarenD  
**Subject:** RE: Request for OST Input -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Thanks Joyce. I appreciate your quick and helpful review. I'll go forward with the language as is and am cc'ing management to let them know that OST has reviewed our draft response.

Thank you for all of your hard work on these issues!

Best wishes,  
Heather

Heather A. Shoven  
Compliance and Enforcement Team Leader  
Ground Water and Drinking Water Branch  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Blvd (WG-15J), Chicago, IL 60604  
Phone: (312) 886-0153 / Email: [shoven.heather@epa.gov](mailto:shoven.heather@epa.gov)

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**From:** Donohue, Joyce  
**Sent:** Wednesday, January 28, 2015 9:24 AM  
**To:** Shoven, Heather  
**Subject:** RE: Request for OST Input -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Dear Heather:

## Ex. 5 Deliberative Process (DP)

Joyce

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**From:** Shoven, Heather  
**Sent:** Tuesday, January 27, 2015 10:38 AM  
**To:** Doyle, Elizabeth; Donohue, Joyce  
**Cc:** Johnson, KarenD; Harris, Kimberly; Klassman, Debra; Damato, Nicholas; Poy, Thomas; Bair, Rita  
**Subject:** Request for OST Input -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

## **EPA INTERNAL DELIBERATIVE**

Hi Beth and Joyce,

I am forwarding you an inquiry sent to the R3 and R5 RAs from Robert A. Bilott, an attorney in Ohio, requesting that EPA consider new health effects data to evaluate the 0.40 parts per billion (ppb) site-specific action level for perfluorooctanoic acid (PFOA) in EPA's 2009 consent order with DuPont's Washington Works Facility in West Virginia.

Attached is a draft response for the Agency. Could you review and provide any edits?

Thank you for your time. Please contact me with any questions or concerns.

Best wishes,  
Heather

Heather A. Shoven  
Compliance and Enforcement Team Leader  
Ground Water and Drinking Water Branch  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Blvd (WG-15J), Chicago, IL 60604  
Phone: (312) 886-0153 / Email: [shoven.heather@epa.gov](mailto:shoven.heather@epa.gov)

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**From:** Bilott, Robert A. [<mailto:bilott@taftlaw.com>]  
**Sent:** Tuesday, January 20, 2015 3:32 PM  
**To:** Hedman, Susan; Garvin, Shawn; [Randy.C.Huffman@Wv.Gov](mailto:Randy.C.Huffman@Wv.Gov)  
**Cc:** Doyle, Elizabeth  
**Subject:** In the Matter of: E.I. du Pont de Nemours and Company (Docket Nos: SDWA-03-2009-0127 DS/ SDWA-05-2009-0001)

Document attached.

## **Taft /**

**Robert A. Bilott** / Partner  
Taft Stettinius & Hollister LLP  
425 Walnut Street, Suite 1800  
Cincinnati, Ohio 45202-3957  
Tel: 513.381.2838 • Fax: 513.381.0205  
Direct: 513.357.9638 • Cell: 513.477.7655  
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